

DEC 07 2007

CERTIFICATE OF MAILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: December 5, 2007 Name: Janet A. Pioli, Reg. No. 35,323 Signature: *Janet A. Pioli*

AF
JFW
BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: David Ernest Hartley

Appln. No.: 10/647,642

Filed: August 25, 2003

For: ASYMMETRIC STENT GRAFT
ATTACHMENT

Docket No: 12730-231 (PA-5343-RFB)

Examiner: Prone, Christopher D.

Art Unit: 3738

Conf. No.: 9896

TRANSMITTAL

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached is/are:

- Amended Claim Appendix (6 pgs.); postcard.
 Return Receipt Postcard.

Fee Calculation:

- No additional fee is required.
 Small Entity.
 An extension fee in an amount of \$____ for a____-month extension of time under 37 CFR § 1.136(a).
 A petition or processing fee in an amount of \$____ under 37 CFR § 1.17(____).
 An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment	Minus	Highest No. Previously Paid For	Present Extra	Small Entity		Not a Small Entity		
					Rate	Add'l Fee	OR	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 105=			x \$210=	
First Presentation of Multiple Dep. Claim					+\$185=			+\$370=	
					Total	\$	Total	\$	

Fee Payment:

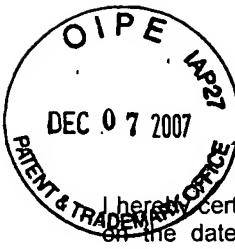
- A check in the amount of \$____ is enclosed.
 Payment by credit card in the amount of \$____ (Form PTO-2038 is attached).
 Please charge Deposit Account No. 23-1925 in the amount of \$____ for _____.
A copy of this Transmittal is enclosed for this purpose.
 The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925. A copy of this Transmittal is enclosed for this purpose.

Respectfully submitted,

Janet A. Pioli
Janet A. Pioli (Reg. No. 35,323)

December 5, 2007

Date



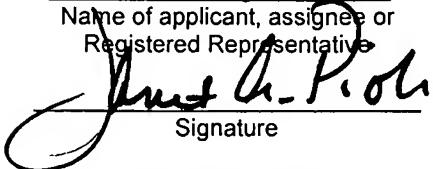
I hereby certify that this correspondence is being deposited on the date noted below with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
December 5, 2007

Date of Deposit

Janet A. Pioli, Reg. No. 35,323

Name of applicant, assignee or
Registered Representative


Signature

December 5, 2007

Date of Signature

PATENT

Client No.: 12730-231
(PA-5343-RFB)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David Earnest Hartley

Serial No.: 10/647,642

Filing Date: August 25, 2003

For: ASYMMETRIC STENT GRAFT
ATTACHMENT

Confirmation No.: 9896

Examiner: Prone, Christopher D.

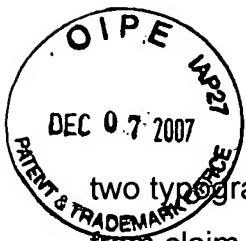
Group Art Unit No.: 3738

AMENDED CLAIM APPENDIX

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

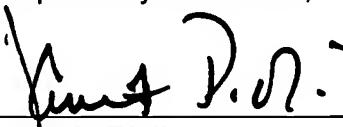
The Applicant thanks Ms. Bridget Monroe for allowing the submission of the amended Claim Appendix to correct a typographical error. The Applicant points out that



two typographical errors in Claim 1 are now corrected and Claim 11 is now dependent from claim 9. The Applicant submits that no new matter or additional substantive amendments were made. The Applicant submits that this correction resolves the basis of the Notice of Non-Compliant Appeal Brief, mailed on November 5, 2007.

Should there be any further questions, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,


Janet A. Pioli
Registration No. 35,323
Attorney for Appellants

Dated: December 5, 2007

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(312) 321-4200
Direct Dial: (801) 355-7900



CLAIMS APPENDIX

CLAIMS ON APPEAL

1. A stent graft prosthesis mounted to a deployment device and adapted to be deployed in a curved lumen, the curved lumen having an inner side and an outer side of the curve, the stent graft prosthesis being temporarily mounted to the deployment device at least one end of the prosthesis by a retention arrangement, the retention arrangement including a retention of the stent graft prosthesis to the guide wire catheter at a plurality of retention points of the circumference of the proximal end of the stent graft prosthesis, there being a greater circumferential distance between two adjacent retention points than other of the points, wherein the guide wire catheter includes a trigger wire catheter coaxially around the guide wire catheter with trigger wires passing along an annular space between the guide wire catheter and the trigger wire catheter and exiting through apertures in the trigger wire catheter at the retention points and the trigger wires are engaged with the graft material to provide the retention points and the apertures are equally spaced around the trigger wire catheter whereby when the deployment device is deployed in the curved lumen the greater circumferential distance is on the inner side of the curve.

2. (Cancelled)

3. A stent graft prosthesis mounted to a deployment device as in claim 1 wherein the retention arrangement includes three retention points so that one larger and two smaller folds of the graft material are formed.

4. A stent graft prosthesis mounted to a deployment device as in claim 1 wherein the retention arrangement provides one larger lobe and at least one smaller lobe of the proximal end of the graft material wherein the larger lobe is on the inner side of the curve when the deployment device is deployed in the curved lumen.

5. (Cancelled)

6. (Cancelled)

7. A stent graft prosthesis mounted to a deployment device as in Claim 1 wherein the trigger wires are engaged to the graft material by loops of thread-like material.

8. A stent graft prosthesis mounted to a deployment device as in claim 7 wherein the loops of thread-like material are adapted to remain with the graft material after deployment.

9. A deployment device and stent graft prosthesis temporarily mounted thereto and adapted to be deployed in a curved lumen, the curved lumen having an inner side and an outer side of the curve, the deployment device including a deployment catheter and a release mechanism, the stent graft prosthesis comprising a tube of graft material having a first end and a second end and being mounted to the deployment device at at least its first end by a retention arrangement, the retention arrangement including a retention to the deployment device at a plurality of points of the circumference of the proximal end of the stent graft prosthesis, there being a greater circumferential distance between two adjacent retention points than other of the points, wherein the deployment catheter includes a guide wire catheter and a trigger wire catheter coaxially around the guide wire catheter and the release mechanism includes trigger wires passing along the annular space between the guide wire catheter and the trigger wire catheter and exiting through apertures in the trigger wire catheter and the apertures are equally spaced around the trigger wire catheter, whereby when the deployment device is deployed in the curved lumen the greater circumferential distance is on the inner side of the curve.

10. (Cancelled)

11. A deployment device and stent graft prosthesis temporarily mounted thereto as in Claim 9 wherein the retention arrangement includes three retention points so that

one larger and two smaller folds of the graft material are formed.

12. A deployment device and stent graft prosthesis temporarily mounted thereto as in Claim 9 wherein the retention arrangement provides one larger fold and at least one smaller fold of the proximal end of the graft material wherein the larger fold is on the inner side of the curve when the deployment device is deployed in the curved lumen.

13. (Cancelled)

14. (Cancelled)

15. A deployment device and stent graft prosthesis temporarily mounted thereto as in Claim 9 wherein the trigger wires are engaged to the graft material by loops of thread-like material.

16. A deployment device and stent graft prosthesis temporarily mounted thereto as in Claim 15 wherein the loops of thread-like material are adapted to remain within the graft material after deployment.

17. A deployment device and stent graft prosthesis temporarily mounted thereto as in Claim 9 wherein the stent graft prosthesis comprises of self expanding zig zag Z stents.

18. A deployment device and stent graft prosthesis temporarily mounted thereto as in Claim 17 wherein the retention is by sutures tied to trigger wires on the deployment device and around bends of the zig zag Z stents on the stent graft.

19. A deployment device and stent graft prosthesis temporarily mounted thereto as in Claim 9 wherein further retention points are provided along the length of the stent graft prosthesis.

20. (Cancelled)

21. (Cancelled)

22. A deployment device for deploying a stent graft prosthesis into a thoracic arch of a patient, the stent graft prosthesis being temporarily mounted to the deployment device and adapted to be deployed in the thoracic arch, the thoracic arch having a curved lumen having an inner side and an outer side of the curve, the stent graft prosthesis being mounted to the deployment device at least the proximal end of the prosthesis by a retention arrangement, the retention arrangement including a retention to the deployment device at a plurality of points of the circumference of the proximal end of the stent graft prosthesis, there being a greater circumferential distance between two adjacent retention points than other of the points, wherein the deployment device includes a guide wire catheter and a trigger wire catheter coaxially around the guide wire catheter and the retention arrangement includes trigger wires passing along the annular space between the guide wire catheter and the trigger wire catheter and exiting through apertures in the trigger wire catheter and the apertures are equally spaced around the trigger wire catheter, whereby when the deployment device is deployed in the curved lumen the greater circumferential distance is on the inner side of the curve.

23. (Cancelled)